

## REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 24-42 and 48-54 are currently pending.

Claims 24-42 and 48-54 are rejected under § 103(a).

Claim 1 has been amended so as to distinguish between the present invention and the cited art. It is submitted that no new matter has been added by these amendments, and that support for these amendments may be found, for example, at page 12, line 17 of the application. Additionally, new Claims 55 and 56 have been added. It may be noted that support for new Claim 55 may be found in the application, for example, at page 14, line 13, and that new Claim 56 recites the subject matter of Claim 24 before the current amendment.

### **Claim Rejections – 35 USC 103**

In this section of the Office Action, Claims 24-34 were rejected under 35 USC 103 (a) as being unpatentable over Fajkowski (US Patent No. 5,905,246) in view of Suzuki et al. (US Patent No. 4,479,995). Applicant respectfully traverses this rejection.

Neither of the cited references teaches the limitation found in amended independent Claim 24, namely "reception electronics for receiving wireless signals, said reception electronics comprising an acoustic reception unit." It is submitted that, since these limitations found in the amended independent Claim 24, from which Claims 25-34 depend, are not taught by the cited art, Claims 25-34 are patentable.

Fajkowski teaches a card which stores and organizes coupons only (column 15, line 11). The card has a port 14 (column 9, line 3), via which information is transferred from the card, to a port 106 in a periphery device 100 (column 15, line 46).

Suzuki et al. teaches a plastic card formed of a colored plastic sheet interposed between a pair of metallic luster plastic sheets having metallic luster pigment dispersed therein and sandwiched between a pair of transparent plastic sheets to form a metallic luster plastic card.

In contrast, amended Claim 24 recites "A portable device, comprising: a device body that has a thickness less than 0.8 mm and a switch; memory for holding device information; a processor for processing signals to determine instructions to be carried out; and reception electronics for receiving wireless signals, said reception electronics comprising an acoustic

reception unit." Neither Fajkowski nor Suzuki et al. teach a device for receiving acoustic signals.

In view of the foregoing discussion, it is submitted that amended Claim 24 is patentable over Fajkowski in view of Suzuki et al. It is further submitted that Claims 25-34 are patentable as they depend from allowable amended independent Claim 1.

Additionally in the Office Action, Claims 35-42 were rejected under 35 USC 103 (a) as being unpatentable over Fajkowski in view of Suzuki et al. and further in view of Kim (US Patent Application Publication No. 2006/0229114). Applicant respectfully traverses this rejection.

As noted above, neither Fajkowski nor Suzuki et al. teaches the limitation found in amended independent Claim 24, namely "reception electronics for receiving wireless signals, said reception electronics comprising an acoustic reception unit." Also, neither Fajkowski nor Suzuki et al. teaches the limitation found in independent Claim 41, namely "reception electronics for receiving and recording acoustic signals."

Kim teaches a mobile entertainment and communication device in a palm-held housing. The device includes a cellular or satellite telephone capable of wirelessly communicating with the Internet (paragraphs 0011-0012) and a memory card socket for receiving a memory card for recording data directly from the Internet such as a musical performance (audio and visual), that can then be reproduced by the device (paragraph 0013). Kim teaches receiving audio files from an Internet server, where audio files are RF signals that encode audio data, as opposed to acoustic signals that involve movement of waves in air or other materials. Audio files taught by Kim are not the same "reception electronics for receiving wireless signals, said reception electronics comprising an acoustic reception unit" as recited in Claim 24, nor is it the same as "reception electronics for receiving and recording acoustic signals," as recited in amended independent Claim 41.

Also, it should be noted that Fajkowski states that "The height and width of coupon card 1 will approximate that of a conventional credit card. Ideally, the thickness of coupon card 1 will be minimized to enable coupon card 1 to be carried in credit card pockets of conventional wallets" (column 8, line 27). While Fajkowski would prefer to have a coupon card of minimal thickness, he did not specify the actual thickness of his coupon card. Also, he did not say how he proposed to minimize the thickness of his coupon card, which contains numerous components, such as an LCD screen, a cover, operational keys, an optic scanner,

and a battery compartment. Thus, it seems that such a coupon card of Faskowski would be thicker than a conventional credit card. Therefore, it is not clear how one would combine the teachings of Kim with those of Fajkowski and Suzuki et al. to achieve "A portable device, comprising: a device body that has a thickness less than 0.8 mm" as recited in amended Claim 24 and in independent Claim 41.

It is submitted, therefore, that amended independent Claim 24, independent Claim 41, and new independent Claim 56 are patentable over Fajkowski in view of Suzuki et al., in further in view of Kim and are therefore, allowable. It is further submitted that Claims (35-40 and 55), and (42) are patentable, as they depend from allowable Claims 24 and 41, respectively.

Further in the Office Action, Claims 48-54 were rejected under 35 USC 103 (a) as being unpatentable over Fajkowski in view of Logan et al. (US Patent No. 7,058,376). Applicant respectfully traverses this rejection.

Neither of the cited references teaches the limitations found in amended independent Claim 48, namely "a device body that has a thickness less than 0.8 mm and a switch;...reception electronics for receiving and recording acoustic signals" and "storing an audio sample on said portable device." Also, neither of the cited references teaches the limitations found in amended independent Claim 51, namely "a device body that has a thickness less than 0.8 mm and a switch;...reception electronics for receiving and recording acoustic signals" and "recording an audio sample on said portable device."

As noted above, Fajkowski does not teach the transmission or reception of acoustic signals.

Logan et al. teach a radio receiver and storage unit which may receive and record a plurality of separate, simultaneously broadcast programs, which may be stored in digital form in a high capacity RAM (column 2, line 12), and then selectively reproduce desired programs that have been stored (column 3, line 54; column 4, line 66). Logan et al. also teach sending audio files to an Internet server for comparison (column 18, line 40). However, this is not the same as "receiving and recording acoustic signals; storing/recording an audio sample on said portable device" as recited in Claims 48 and 51.

It is submitted that, since these limitations found in the amended independent Claims 48 and 51, from which Claims (49-50) and (52-54) respectively depend, are not taught by the cited art, Claims 49-50 and 52-54 are patentable.

All of the issues raised by the Examiner have been dealt with. In view of the foregoing, it is submitted that all the claims now pending in the application are allowable. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Martin D. Moynihan".

Martin D. Moynihan  
Registration No. 40,338

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**Enclosures:**

- Petition for Extension (Two Months)
- Request for Continued Examination (RCE)